

FILED

MAR 24 2009

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-70014 EDL
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER FED. R. CRIM.
v.)	P. 5.1 and 18 U.S.C. § 3161 AND CHANGING
)	ARRAIGNMENT DATE
MATTHEW ROBINSON,)	
)	
Defendant.)	

On February 18, 2009, the parties appeared before the Court. At that time, the parties requested, and the Court agreed, to set March 23, 2009 as the date for the defendant's preliminary hearing or arraignment. The parties now request that the Court schedule the defendant's preliminary hearing or arraignment for April 13, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through April 13, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

The defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the continuance was the reasonable time necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: March 20, 2009

/s/
TAREK J. HELOU
Assistant United States Attorney


DATED: March 20, 2009

/s/
JUDD C. IVERSEN
Attorney for MATTHEW ROBINSON

For the reasons stated above, the Court schedules the defendant's preliminary hearing or arraignment for April 13, 2009, and finds that the extension of time for the defendant's preliminary hearing or arraignment through April 13, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 3/23/09



THE HONORABLE EDWARD M. CHEN
United States Magistrate Judge